HON'BLE SRI JUSTICE R. SUBHASH REDDY

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WRIT PETITION NO.24105 OF 2004

DATE:19.06.2006

Between:

A. Venkateswara Rao

..... PETITIONER

AND

Acharya Nagarjuna University, rep. by its

Registrar, Nagarjuna Nagar, Guntur District &

Another.

.....RESPONDENTS

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HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P. No.24105 OF 2004

ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel Sri T.S. Harnath, appearing for the first respondent-University. However, there is no appearance on behalf of the second respondent-College in spite of service of notice.

In this Writ Petition, the petitioner, who is a Law student, seeking a writ of Mandamus to declare the action of the respondents in not allowing him to write first semester (first year) examination of L.L.B. course during the month of December, 2004.

As stated in the affidavit, it is the case of the petitioner that he secured 39.9% of marks in the degree and appeared for LAWCET-2004 examinations conducted by Padmavati Mahila Visvavidyalayam, Tirupati. It is further stated that in the said entrance examination, he has secured 883 in state rank and 156 in the regional rank and he has secured 62% of the marks and was allotted seat in the second respondent-College. Pursuant to the said allotment, the petitioner was admitted in the second respondent-College, but however, at the stage of appearing for the first year examinations, without passing any order, the second respondent-College has not allowed the petitioner to the examinations on the ground that he did not secure 40% of the marks in the qualifying examination i.e. decree course.

In the counter-affidavit filed by the first respondent-University it is stated that there

are no instructions from the first respondent-University to the second respondent-College for not allowing the petitioner to write the examinations and for withholding of hall ticket for the said examinations.

However, it is categorically stated that the petitioner has secured 39.9% of the marks in the degree examination and even as per the instruction booklet issued during LAWCET-2004 it is categorically stated that 39.5% will be treated as 40%. In any event, having allowed the petitioner to write for LAWCET examination and after admission and allotment of seat by the Convener, it is not open for the second respondent-College to prevent the petitioner to write the examinations. If at all the petitioner was not qualified to write the examinations, only at the stage of writing LAWCET examination, it is the duty of the scrutiny officer to point out the same. But, once the petitioner was allowed to write the examinations and as per his ranking in the LAWCET examination when he has already been granted admission and allotted the seat in the second respondent-College, in the absence of any instructions from the first respondent, the second respondent-College has no authority or jurisdiction to prevent the petitioner from writing the examinations. Such conduct of the second respondent is totally illegal and arbitrary. Further, it is stated the petitioner, in pursuance of the interim orders of this Court, wrote the examinations.

In that view of the matter, the respondents are directed to allow the petitioner to complete the course by allowing him to all the examinations treating him as qualified in all respects. If the petitioner has appeared for examinations for any of the earlier semesters/years and in case his results are not pronounced, all such results should be announced within a period of four weeks from today and necessary mark sheets and other relevant certificates should be issued.

The Writ Petition is allowed with the above directions. No order as to costs.

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R. SUBHASH REDDY, J

19th JUNE, 2006.

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